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Letter dated 17 November 2016 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Criminal Tribunal for the former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1534 (2004).

I would be grateful if you could transmit the present letter and its annexes to the members of the Security Council.

(*Signed*) Carmel **Agius**
President

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Annex I

[Original: English and French]

Assessment and report of Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004) (period from 18 May 2016 to 17 November 2016)

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1. The present report is submitted pursuant to Security Council resolution 1534 (2004), adopted on 26 March 2004, in which the Council, in paragraph 6 of the resolution, requested the International Tribunal for the Former Yugoslavia to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy of the Tribunal, explaining what measures have been taken to implement the completion strategy.[1]

2. The report also includes a summary of the measures that the Tribunal continues to undertake to complete the smooth transition to the International Residual Mechanism for Criminal Tribunals.

I. Introduction

3. The Tribunal continued to make significant progress in completing its work during the reporting period. Judgment was delivered in the appeal case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin* ("*Stanišić and Župljanin* case"), in line with the previously forecast date, and steady work continued in the final trial case of *Prosecutor v. Ratko Mladić* ("*Mladić* case") and the final appeal case of *Prosecutor v. Jadranko Prlić et al.* ("*Prlić et al.* case"). In addition, the trial case of *Prosecutor v. Goran Hadžić* ("*Hadžić* case") was terminated following the death of the accused. At the close of the reporting period, one trial case, involving one individual, and one appeal case, involving six individuals, were ongoing.

4. The Tribunal has to date concluded proceedings against 154 of the 161 individuals it has indicted, as well as contempt proceedings against 25 persons. While there are no outstanding fugitives of the Tribunal charged with serious violations of international humanitarian law, in the contempt case of *Prosecutor v. Petar Jojić et al.* ("*Jojić et al.* case"), there are still three indictees of the Tribunal whose arrest warrants are yet to be executed. The Tribunal is extremely concerned about the continued failure of Serbia to cooperate in this case. Further details are provided below.

5. As the Tribunal approaches its final year of operations, it continues to implement the completion strategy and to make every effort to ensure that the forecast dates for delivery of judgment in the final cases, and the Tribunal's ultimate closure, are met. The Tribunal also continues to downsize in accordance with existing schedules, while endeavouring to ensure that the remaining trial and appeal proceedings are fully supported. Ensuring full capacity and support is becoming an

[1] The present report should be read in conjunction with the previous 25 reports submitted pursuant to Security Council Resolution 1534 (2004): S/2004/420 of 24 May 2004, S/2004/897 of 23 November 2004, S/2005/343 of 25 May 2005, S/2005/781 of 14 December 2005, S/2006/353 of 31 May 2006, S/2006/898 of 16 November 2006, S/2007/283 of 16 May 2007, S/2007/663 of 12 November 2007, S/2008/326 of 14 May 2008, S/2008/729 of 24 November 2008, S/2009/252 of 18 May 2009, S/2009/589 of 13 November 2009, S/2010/270 of 1 June 2010, S/2010/588 of 19 November 2010, S/2011/316 of 18 May 2011, S/2011/716 of 16 November 2011, S/2012/354 of 23 May 2012, S/2012/847 of 19 November 2012, S/2013/308 of 23 May 2013, S/2013/678 of 18 November 2013, S/2014/351 of 16 May 2014, S/2014/827 of 19 November 2014, S/2015/342 of 15 May 2015, S/2015/874 of 16 November 2015, and S/2016/454 of 17 May 2016. Except where otherwise noted, the report contains data accurate as at 17 November 2016.

increasingly difficult task, with staff attrition continuing to pose an extremely serious challenge across all sections of the Tribunal. However, the Tribunal reiterates its commitment to closing on time and asks that Member States continue to support it in doing so.

6. In addition to its judicial caseload and related support activities, during the reporting period the Tribunal has continued its efforts to complete the smooth transition of functions to the Mechanism, in compliance with Security Council resolution 1966 (2010), including through the ongoing review and preparation of records for transfer to the Mechanism.

II. Implementation of the completion strategy

7. The Tribunal stands firm in its commitment to close its doors by the end of 2017. In particular, it remains committed to concluding all judicial work on time and in an expeditious manner, bearing in mind that the principles of fairness and due process must be paramount in the conduct of all trial and appeal proceedings.

8. To that end, during the reporting period, the Tribunal has continued to implement measures designed to enhance efficiency and ensure continuous capacity, including: reassigning staff from concluded cases to ongoing cases; providing teams with additional staff resources, as needed, including through internal and external recruitment processes; maintaining rosters of qualified applicants to ensure that departing staff are replaced as quickly as possible; requesting flexibility in applying United Nations Staff Regulations that could lead to delays in staff recruitment and retention, or prevent the hiring/promotion of fixed term staff members for periods of less than 12 months; and promoting eligible staff members as a means of boosting morale and discouraging attrition. In addition, the Trial and Appeal Scheduling Working Group, chaired by the Vice-President of the Tribunal, continues to meet regularly to monitor and report on the progress of the remaining cases, to ensure that they are kept on track, and to identify potential causes of delay and measures to alleviate such delay. A list of broader efficiency measures taken by the Tribunal during its lifetime is included below.

9. While the Tribunal is doing all it can to ensure its efficient and orderly closure in 2017, it wishes to once again raise the alarm regarding staff attrition. As reported previously, this is the most critical challenge faced by the Tribunal and, if left unchecked, may have a serious impact on the Tribunal's ability to complete all judicial work on time. Experienced staff members continue to leave the Tribunal to take up more secure and longer-term appointments elsewhere, and new staff members inevitably require significant amounts of time to familiarize themselves with the voluminous case records and the working methods of the Tribunal. The loss of experienced staff members, who have institutional and case-specific knowledge, will be particularly damaging in 2017, and the rate of departures is only expected to increase during the year.

10. With these concerns in mind, the President recently discussed with the Department of Management a proposal developed by the Tribunal, for the consideration of the General Assembly, in relation to retention incentives for staff members who remain at the Tribunal until the end of their respective contracts. This

proposal was also raised by the President in a subsequent meeting with the Secretary-General on 8 November 2016. The Tribunal considers that such a proposal, if ultimately accepted, would be crucial in providing mid-level and senior staff with the incentive they need to remain at the Tribunal until the completion of their cases, and thereby encouraging them to forego other, more favourable employment opportunities in the meantime. The recent proposal is similar to a previous proposal endorsed by the International Civil Service Commission, which, as previously reported, was recommended by the Advisory Committee on Administrative and Budgetary Questions but final action in respect of which was unfortunately not taken by the Fifth Committee of the General Assembly.[2]

11. The Tribunal wishes to emphasize, however, that the conditions in 2016 are significantly different from those obtaining in 2008 when the initial proposal was submitted. First, unlike in 2008, the Tribunal's completion strategy is no longer open-ended but has a target date for completion set for 31 December 2017. As a result, the staffing challenges it faces are acute. Secondly, the number of staff members who are potentially eligible for the payment of the incentive is far fewer than the number of eligible staff in 2008. In fact, there is a 73 per cent reduction in eligible staff numbers, meaning that the financial implications of the present proposal are also considerably reduced. Thirdly, unlike the earlier proposal, which applied to both the Tribunal and the International Criminal Tribunal for Rwanda, the current proposal would apply only to the International Tribunal for the Former Yugoslavia, given the closure of the International Criminal Tribunal for Rwanda in 2015. This represents a further and significant reduction in cost compared with the previous proposal.

12. The Tribunal cannot emphasize enough the impact that continued staff attrition will have on its operational capabilities in the final year. It therefore considers the introduction of a financial incentive for staff to be crucial to enabling it to complete the remaining cases on schedule. The Tribunal hopes that, if its current proposal is put forward, Member States will understand the serious nature of its staffing predicament, and the proposal will be positively received.

13. Finally, the Tribunal once more acknowledges with sincere gratitude the valuable staffing support received from China, which has resulted in several fellows and interns from China commencing work in various sections of the Tribunal during the reporting period. The Tribunal takes this opportunity to publicly thank these individuals for their excellent work and contribution, which has already been noted within the Tribunal. Notwithstanding this generous assistance, the problem of staff attrition will remain acute unless a comprehensive solution is found. The Tribunal therefore again encourages other Member States to also lend their support in any way possible.

14. To provide a more thorough overview of the challenges faced by the Tribunal in individual cases and of the Tribunal's progress in completing its work, summaries of the remaining trials and appeal, together with the recently completed cases, are provided below.

[2] See, e.g., S/2011/716 of 16 November 2011, pp. 12-13; S/2012/354 of 23 May 2012, p. 11; S/2012/847 of 19 November 2012, p. 10; S/2013/308 of 23 May 2013, p. 11; and S/2013/678 of 18 November 2013, pp. 7-8.

A. Trial proceedings

15. In the *Hadžić* case, the accused Goran Hadžić was charged with 14 counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia and Serbia between 25 June 1991 and December 1993. The Trial Chamber was composed of Judges Guy Delvoie (presiding), Burton Hall, and Antoine Kesia-Mbe Mindua. The trial commenced on 16 October 2012. However, owing to serious problems with Mr. Hadžić's health, the trial was interrupted and no hearings in this case were held after 20 October 2014. On 26 October 2015, the Trial Chamber ordered a stay of proceeding for an initial period of three months owing to the ill health of the accused. On 24 March 2016, the Trial Chamber found the accused unfit to stand trial and stayed the proceedings indefinitely. Following the death of Mr. Hadžić on 12 July 2016, the Trial Chamber terminated the proceedings in this case on 22 July.

16. In the *Mladić* case, the accused Ratko Mladić is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The Trial Chamber is composed of Judges Alphons Orie (presiding), Christoph Flügge, and Bakone Justice Moloto. The trial commenced on 16 May 2012 and the evidentiary phase of the case was concluded in August of this year. Following the submission of the parties' final briefs and the presentation of final arguments in court, the Trial Chamber will be fully engaged in deliberations and drafting of the judgment. The estimate for the delivery of the judgment remains November 2017. The judges and legal support team have taken a variety of measures to minimize delays in the preparation of the trial judgment, including involving additional staff resources in the drafting process. Although such resources have been assigned, highly qualified staff members are expected to continue to leave the Tribunal for more secure employment elsewhere. It will thus be an increasing challenge to maintain the continuity of core staff, which is of utmost importance in a case of such size and complexity.

17. In the *Jojić et al.* contempt case, the accused Petar Jojić, Jovo Ostojić, and Vjerica Radeta are each charged with four counts of contempt of court in relation to alleged witness intimidation in the trial case of *Prosecutor v. Vojislav Šešelj* ("*Šešelj* case"). The proceedings in the *Jojić et al.* case were confidential until 1 December 2015. Arrest warrants have been pending execution in Serbia since 19 January 2015. As a result, it is not possible to estimate the exact commencement and length of the case. If the arrest warrants are not executed soon, it may become necessary for the Security Council to urgently discuss a solution that would allow this case to be finalized before November 2017.

18. The Tribunal takes this opportunity to again express its serious concern in relation to the lack of cooperation by Serbia in the *Jojić et al.* case, in particular its failure to execute the arrest warrants issued more than 21 months ago, as well as its failure to file any progress reports before the Trial Chamber since May of the current year. As indicated by the President of the Tribunal in his address to the Security Council on 8 June 2016, the failure of Serbia to arrest and transfer the accused, and the decisions issued by the War Crimes Chamber of the High Court in Belgrade in May 2016, represent a surprising and disturbing step backwards from

the status quo on cooperation with the Tribunal. The Tribunal notes that, since then, on 2 August 2016, the Trial Chamber ordered Serbia to comply with its obligations under article 29 of the Statute of the Tribunal. Furthermore, on 14 September 2016, the Trial Chamber formally advised the President of the Tribunal of Serbia's continued failure to comply with these obligations.

19. The Tribunal reminds Serbia that it has a duty to fully cooperate with the Tribunal in accordance with Security Council resolutions and the Statute of the Tribunal, which establishes primacy over Serbian domestic law. It emphasizes that interference with the administration of justice strikes at the heart of any legal system, and that conducting and concluding these contempt proceedings is of utmost importance for the Tribunal — and for international justice more broadly.

B. Appeals from judgment

20. In the *Stanišić and Župljanin* case, the appeal judgment was pronounced on 30 June 2016. The Appeals Chamber, composed of Judges Carmel Agius (presiding), Liu Daqun, Christoph Flügge, Fausto Pocar, and Koffi Kumelio A. Afanđe, dismissed the parties' respective appeals and affirmed Mr. Stanišić's and Mr. Župljanin's sentences of 22 years of imprisonment.

21. In the *Prlić et al.* case, briefing was completed on 29 May 2015. The projected time frame for delivery of the appeal judgment remains November 2017. The Appeals Chamber is composed of Judges Carmel Agius (presiding), Liu Daqun, Fausto Pocar, Theodor Meron, and Bakone Justice Moloto. This is the most voluminous appellate case in the history of the Tribunal, with seven appeals (one by each of the six defendants, as well as the Office of the Prosecutor), 172 grounds of appeal, and 12,196 pages of appellate submissions dealing with a trial judgment of more than 2,000 pages. Although additional staff resources have been assigned to ensure that the November 2017 deadline can be met, highly qualified staff members continue to leave the Tribunal for more secure employment elsewhere. As with the *Mladić* case, it will thus be increasingly difficult to maintain the continuity of core staff, which is crucial in a case of such size and complexity. Yet the Appeals Chamber remains committed to completing the case by November 2017, and the drafting of the preparatory document analysing the parties' appellate submissions is on track, with the aim to be finalized by the end of 2016. Furthermore, the judges and legal support team have taken a variety of measures to avoid delays in the preparation of the appeal judgment. These include the creation of a timeline and organization of a detailed workplan designed to maximize staff resources, as well as the provision of ad hoc assistance to the team by legal officers assigned to the judges on the bench.

III. Mandate of judges and appointment of an ad hoc judge

22. After the delivery of judgment in the *Stanišić and Župljanin* case, the term of office of one judge of the Appeals Chamber[3] came to an end. Following the death of Goran Hadžić and the resulting termination of the *Hadžić* case, a further three

[3] Judge Koffi Kumelio A. Afanđe.

judges[4] departed the Tribunal, leaving a total of seven permanent judges. Five of these permanent judges are assigned to the Appeals Chamber in the *Prlić et al.* case[5] and three are assigned to the Trial Chamber in the *Mladić* case,[6] with one judge assigned to both cases.[7]

23. The Tribunal thereby found itself in a position in which it could not compose an Appeals Chamber bench of five judges, as required by article 12 of the Statute of the Tribunal, in the event of any interlocutory appeals in the *Mladić* case. As a result, on 29 July 2016, the President of the Tribunal requested that the Secretary-General refer the matter to the Security Council for its earliest consideration. On 6 September 2016, by its resolution 2306 (2016), the Council amended the Statute of the Tribunal to include new article 13 quinquies, which provides for the appointment of an ad hoc judge by the Secretary-General if there is no permanent judge currently serving at the Tribunal available for assignment to the Appeals Chamber. Pursuant to this new provision, Judge Burton Hall (Bahamas), former permanent judge of the Tribunal and current judge of the Mechanism, was subsequently appointed to the Tribunal as an ad hoc judge. Two interlocutory appeals have since been filed in the *Mladić* case and an Appeals Chamber of five judges, including Judge Hall, has been assigned to each appeal. The Tribunal wishes to extend its sincere thanks to all the Members States of the Security Council for their prompt reaction to its request and their cooperation and assistance in this pressing matter.

24. The Tribunal has requested an extension of the mandates of all permanent judges, and of Judge Hall as ad hoc judge, until 30 November 2017 or the completion of the case or cases to which they are or will be assigned, if sooner. In addition, it has requested a further extension of the mandate of the President of the Tribunal to 31 December 2017, to allow him to oversee the closing down of the Tribunal. On 11 November 2016, the Secretary-General conveyed the Tribunal's request to the President of the Security Council (see A/71-614-S/2016/959, annex). The President looks forward to meeting with Member States and discussing these extensions, which are necessary for the ultimate conclusion of the Tribunal's mandate, during his upcoming mission to New York.

IV. Amendment of the Rules of Detention

25. At an extraordinary plenary session of judges on 15 November 2016, the judges of the Tribunal unanimously adopted amendments to the Rules of Detention of the Tribunal, to bring them into full alignment with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (see General Assembly resolution 70/175, annex), as well as the recommendations made by the International Committee of the Red Cross. These amendments will ensure greater protection of the rights of the Tribunal's detainees and that these individuals are held in accordance with the highest standards of detention worldwide. Once the

[4] Judges Guy Delvoie, Burton Hall, and Antoine Kesia-Mbe Mindua.
[5] Judges Carmel Agius (presiding), Liu Daqun, Fausto Pocar, Theodor Meron and Bakone Justice Moloto.
[6] Judges Alphons Orie (presiding), Christoph Flügge and Bakone Justice Moloto.
[7] Judge Bakone Justice Moloto.

rules of detention of the Mechanism have been adopted, the Tribunal's Rules of Detention may be further updated, as necessary, to ensure conformity between both sets of rules.

V. Evaluation by the Office of International Oversight Services

A. Background

26. In its resolution 2256 (2015), the Security Council requested the Office of Internal Oversight Services (OIOS) to carry out an evaluation with respect to the methods and work of the Tribunal, in the context of the implementation of the completion strategy pursuant to resolution 1966 (2010), and to present its report by 1 June 2016. Furthermore, the Council requested the Tribunal to report on the implementation of any OIOS recommendations in its next six-monthly report thereafter to the Council on progress towards implementation of the completion strategy of the Tribunal (i.e., the present report).

27. The OIOS evaluation team visited the Tribunal from 7 March to 18 March 2016 and subsequently issued its report on 12 May 2016 (see A/70/873-S/2016/441), in which it made four recommendations to the Tribunal. The preliminary response of the Tribunal is contained in annex I to the report. The Tribunal had been given 7 days to respond to the initial draft report of OIOS, and 10 days to provide comments in respect of the revised version. During his mission to New York in June 2016, the President indicated that this response was not the Tribunal's final position and that the Tribunal would report on its implementation of any OIOS recommendations later in the year, in accordance with resolution 2256 (2015) and following full discussion with all judges. The President indicated, however, that in the meantime, he was interested to hear the comments and questions of Member States.

28. The Tribunal emphasizes that it welcomed the opportunity to assess its methods and work and granted its fullest cooperation to OIOS. The Tribunal was — and is — prepared to have its record evaluated, and indeed believes that this record reflects significant and historic achievements and demonstrates a constant drive for improvement in the efficiency of the administration of justice. Not only did the OIOS evaluation allow the Tribunal's work and achievements to be recognized, it also allowed for the identification and frank discussion of the Tribunal's shortcomings and challenges, thereby providing valuable food for thought. The Tribunal fully cooperated with the evaluation team, making available to them extensive documentation, as well as granting access to a large number of judges and senior staff who cumulatively devoted a considerable number of hours to meeting with the evaluators.

29. Furthermore, the Tribunal assures the Security Council that all OIOS recommendations have been examined carefully and taken very seriously. Indeed, as mentioned by the President in New York in June 2016, the Tribunal acknowledges that it is in the collective interests of the Council and the Tribunal that the OIOS evaluation be a fruitful exercise. For that reason, the Tribunal paid special attention to the comments provided by Members States of the Council during the exchanges in the Informal Working Group on International Tribunals on 7 June, and during the

Security Council debate held on 8 June (see S/PV.7707). Upon the President's return from New York, he reported these exchanges to all Tribunal judges and included a full discussion of the OIOS report and its recommendations in the agenda of the forty-seventh plenary session of judges, which was held on 6 July. As detailed below, these discussions resulted in the unanimous adoption of the Code of Professional Conduct for the Judges of the Tribunal, which is contained in enclosure VII to the present report.

30. Before addressing the implementation of any OIOS recommendations, the Tribunal would like to reinforce some points concerning the evaluation framework. First, the evaluation was conducted under very tight time constraints, with the evaluators on-site at the Tribunal for only two weeks and the time period for drafting the OIOS report and the Tribunal's response being extremely short. This was unfair not only to OIOS, but also to the Tribunal, and in the Tribunal's view did not allow for a sufficient understanding or comprehensive assessment of its methods and work. Moreover, the relevant time period was extremely busy for the Tribunal in terms of judicial workload, and, regretfully, every moment spent on the evaluation was crucial time not able to be spent on the cases being adjudicated and finalized in those same weeks. The Tribunal notes that evaluations at other courts and tribunals have been carried out in time periods of no less than one year.

31. Secondly, the Tribunal emphasizes that, to allow for a truly effective assessment, such evaluations should be carried out by professionals who are familiar with the unique characteristics and working methods of international judicial institutions. Given the nature and magnitude of the cases before it, the Tribunal cannot be equated to domestic courts. In addition, the Tribunal cannot be compared with non-judicial programmes and agencies as its core functions, namely, the judicial work, must be guided first and foremost by considerations of fairness and due process. Evaluating an institution such as the Tribunal thus differs fundamentally from evaluating other organizations because its "end product" is the criminal justice process itself.

32. Accordingly, the Tribunal's relevance, effectiveness and efficiency must be measured by the quality, integrity and fairness of each stage of the judicial process. Unfortunately, the OIOS report does not reflect an appreciation of these factors. Instead, the evaluation applied across the board the standard "results-based management framework", which, as noted by the Tribunal in its response, had never applied to judicial decision-making (see A/70/873-S/2016/441, para. 9; see also paras. 8, 10, 11 and 21-28). In this respect, the Tribunal emphasizes that applying a results-based management framework to a judicial institution incorrectly shifts the focus from the fair and efficient adjudication of trials and appeals — namely, the delivery of justice — to the delivery of measurable and time-bound outputs and outcomes. This is not appropriate, practical, or realistic. In the Tribunal's view, if any kind of framework can appropriately be applied to a judicial institution, it must be one focused on performance and impact: in particular, how is the institution operating, and are its activities both fair and efficient? As it stands, however, with the exception of certain Registry activities, the Tribunal's results and achievements fall outside the scope of a results-based management framework. Consequently, the OIOS evaluation focused on indicators that were never intended to demonstrate

performance of the Tribunal's completion strategy, and missed the results falling outside such a framework.

33. Finally, the Tribunal regrets that the scope of the OIOS evaluation was limited to the period 2010-2015. Unfortunately, as a result many of the innovations that the Tribunal introduced prior to, or indeed after, 2010 to increase efficiency were excluded from the scope of the evaluation, as were the three judgments issued in the first half of 2016 in accordance with the dates for delivery forecast in the completion strategy reports of the Tribunal of November 2015 and May 2016.

B. Measures undertaken by the Tribunal to increase efficiency in the conduct of cases

34. As recognized by OIOS, the Tribunal has always been at the forefront of developing international criminal procedures and has served as a model for other international courts (see A/70/873-S/2016/441, para. 53). Given the limited scope of the OIOS evaluation, as discussed above, the Tribunal would like to take the opportunity to highlight for Member States many of the numerous efficiency measures it has taken over the years. Indeed, the Tribunal started early in its existence to consider ways, with support from the Security Council, to incorporate efficiency measures into its trial and appeal processes, while safeguarding principles of fairness. The overview below briefly describes these measures, which the Tribunal strongly believes demonstrate its genuine desire, as well as its constructive and effective efforts, to meet the goals of its completion strategy and to prevent and reduce delays in its judicial work.

1. Increased capacity to hold trials and appeals

(a) Available courtroom space

35. Following efforts to join indictments to facilitate large multi-accused or "mega" cases (see para. 41 below), the Tribunal's courtrooms were renovated in 2006 to accommodate such cases. The Tribunal's original courtroom was expanded to hold up to six accused and the third courtroom was rebuilt to accommodate up to nine accused.

(b) Effective courtroom schedules through split sessions

36. As the number of active cases increased around the year 2000 owing to the arrests of several accused, and in an effort to ensure the timely completion of cases, the schedule for each of the Tribunal's courtrooms was split into two daily sessions, from 9 a.m. until 1:45 p.m., and from 2:15 p.m. until 7 p.m.[5] This measure increased the Tribunal's effectiveness considerably and also paved the way for very active judicial work a few years later as the new cases simultaneously reached the trial stage.

[5] Originally, court hearings were held from approximately 10 a.m. until 4 p.m., with a break for lunch.

(c) Structure of Chambers

37. The Statute of the Tribunal originally provided for two Trial Chambers and one Appeals Chamber (see Security Council resolution 827(1993) and document S/25704 and Corr.1 and Add.1). However, responding to a request by the President of the Tribunal for a third Trial Chamber and four new judges,[9] on 13 May 1998, the Security Council established the new Trial Chamber and increased the number of judges by three, bringing the total number of judges to 14 (see resolution 1166 (1998)).

38. In May 2000, to further expedite its operations and in the light of the number of pending cases, the President of the Tribunal requested an amendment of the Statute to enable the appointment of ad litem judges, that is, judges intended to sit on one case, and the appointment of two additional permanent judges.[10] On 30 November 2000, the Security Council granted this request, expanding the number of permanent judges to 16 and establishing a pool of 27 ad litem judges from which the President could draw.[11] In practice, several ad litem judges heard more than one trial, and the capacity of the Trial Chambers to hear and complete cases expanded significantly.[12]

(d) eCourt

39. Beginning with the *Prosecutor v. Sefer Halilović* trial, which commenced on 31 January 2005, the Tribunal implemented a ground-breaking electronic courtroom management initiative, eCourt. One of the main purposes of eCourt was to improve the efficiency of trial proceedings overall, among other ways, by reducing the need to rely on hardcopy documents, without causing prejudice to the rights of the parties. The system allows for the simultaneous electronic tendering, admission and presentation of documentary, photographic and video evidence in court in several languages. eCourt also facilitates the markup of exhibits, such as photos and maps,

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[9] See press release 291 of 16 February 1998 (CC/PIO/291-E), available from www.icty.org/en/presalsoats/president-mcdonald-asks-security-council-establish-additional-trial-chamber.

[10] See identical letters dated 7 September 2000 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council (A/55/382-S/2000/865), containing President Claude Jorda's request of 12 May 2000 to the Secretary-General and a report from the President on behalf of the judges of the Tribunal, entitled "Current state of the International Tribunal for the Former Yugoslavia: future prospects and reform proposals". This report contains an evaluation of numerous measures taken to further improve the effectiveness of the Tribunal's judicial work.

[11] See resolution 1329 (2000). Importantly, this amendment of the Statute also allowed each Trial Chamber to be composed of up to three permanent judges and six ad litem judges and to be divided into "sections" of three judges, each of which was afforded the same powers and responsibilities as a Trial Chamber under the Statute. Furthermore, under the ad litem system, the President could also assign ad litem judges to contempt cases, which allowed for a more equitable distribution of workload among the judges, and which sped up both contempt and substantive cases.

[12] In fact, when the first six ad litem judges were sworn in on 6 September 2001, the Tribunal's capacity doubled to six simultaneous trials. At its peak in 2009-2011, the Tribunal had up to 10 cases active at the trial stage.

by witnesses and considerably speeds up the synthesizing and analysis of evidence by Chambers during the judgment drafting phase.[13]

2. Reductions in the number of trials by transferring cases

40. In an effort to allow the Tribunal to focus its efforts on the most senior leaders suspected of being most responsible for crimes within its jurisdiction and thereby reduce the number of trials to be held, the Referral Bench of the Tribunal referred eight cases involving 13 accused (equivalent to 8 per cent of 161 accused) to competent national authorities.[14] Ten accused were transferred to the War Crimes Chamber of the State Court of Bosnia and Herzegovina, two accused were transferred to the Zagreb County Court in Croatia and one accused was transferred to the Belgrade District Court in Serbia (see S/2009/252, annex I, paras. 44-46).

3. Increased efficiency in holding trials and appeals

(a) Joinder of cases

41. From the start of the Tribunal's operation, accused persons have been tried jointly to the extent possible, bearing in mind applicable legal requirements, with a view to using the scarce judicial resources of the Tribunal as effectively as possible. Over the years, the Tribunal has conducted 22 multi-accused trials involving 73 accused, with the greatest efficiency stemming from the decision of the Joinder Bench[15] to conduct three multi-accused trials involving 19 accused.[16] Over the years, this approach has resulted in proceedings being conducted much more efficiently than would be the case had each accused been tried separately, while preserving the highest standards of procedural fairness.

(b) Reduction in the scope of indictments

42. Trial Chambers may invite the Office of the Prosecutor to reduce the number of counts in the indictment and may themselves fix the number of crime sites or incidents comprising one or more of the charges, provided these are reasonably representative of the crimes charged.[17] By employing this provision, which has been in force since mid-2003, to reduce the scope of indictments, Trial Chambers have achieved substantial time savings by balancing the interests of justice, on the one

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[13] The system, which also ensures that all evidence introduced at trial is available to the parties, judges and staff from the moment the evidence is used in court, has saved enormous amounts of time and improved work processes across the Tribunal considerably.

[14] In addition, the Tribunal has continued to provide capacity-building, such as professional and legal advice especially in areas such as command responsibility and witness protection, to these competent national authorities. These referrals have resulted in significant time savings for the Tribunal, while at the same time strengthening national jurisdictions.

[15] This was a special panel composed of judges from different Trial Chambers, which was formed to consider whether similar indictments should be joined in order to reduce the overall number of separate trials and thereby expedite the work of the Tribunal.

[16] *Prosecutor v. Milan Milutinović et al.*, *Prosecutor v. Vujadin Popović et al.* and the *Prlić et al.* case.

[17] Rule 73 bis (D) of the Rules of Procedure and Evidence.

hand, with the streamlining of prosecutions, on the other, thus allowing the judicious and efficient use of Chambers resources.[18]

(c) Other judicial measures during trials

43. Cases are usually assigned as early as possible to the Trial Chamber likely to try the case. In some cases, the pretrial judge has also been assigned to the Trial Chamber hearing the case in order to preserve continuity and the knowledge of a case as built up during pretrial preparations. The Tribunal's Rules of Procedure and Evidence also contain tools that judges use to shorten the length of proceedings, such as the use of agreed facts and adjudicated facts from past proceedings of the Tribunal, the admission of evidence in writing instead of orally in court, the strict enforcement of time limits upon the parties, and, discouraging or disallowing duplicative evidence.

(d) Office of Document Management

44. The Tribunal holds approximately 1.3 million documents, equating to more than 9 million pages in the Office of the Prosecutor's Evidence Collection. A very small part of this collection comprises duplicates. However, an analysis indicated that, as a result of this duplication, many documents were being translated twice. In an effort to save resources and increase efficiency, the Tribunal established the Office of Document Management, which receives, analyses and manages translation requests. This has improved the use of the Tribunal's translation resources. As an example, in 2012, the Office received nearly 70,000 pages of translation requests, but determined that 16,000 pages had already been translated.

(e) eDisclosure

45. Trials before the Tribunal are extremely document-intensive. Given the large volume of documents that the Tribunal maintains, the Tribunal has developed an eDisclosure system that allows for streamlined disclosure of large volumes of documents from the Office of the Prosecutor to the defence. The system also provides the defence with the same kind of electronic search capacity, which not only increases procedural fairness, but also increases the efficiency of the defence in the preparation and conduct of its cases.

4. Other

(a) Trial and Appeal Scheduling Working Group

46. The working group, chaired by the Vice-President of the Tribunal, was originally established to monitor the progress of cases at the pretrial and trial stage in order to advise the President of the Tribunal as to which of the pretrial cases should next proceed to trial. The focus was on making optimal use of courtroom availability within the framework of judicial workload and other factors affecting

[18] For example, in the *Mladić* case, the Trial Chamber adopted the Office of the Prosecutor's proposal to limit its presentation of evidence to a selection of 106 crimes, instead of 196 initially scheduled crimes in the indictment, and to limit the number of municipalities (or crime bases) to 15 instead of 23. This has resulted in a substantially reduced length of the evidentiary phase of trial.

the scheduling of cases. The working group, which was expanded to include scheduling of cases on appeal, meets regularly to monitor the progress of cases and is a key advisory tool for the achievement of the completion strategy.

(b) Working Group on Speeding up Appeals

47. Measures aimed at expediting appeals adopted pursuant to the recommendation of the Working Group on Speeding Up Appeals continue to be applied. These include strict adherence to the requirement of good cause to vary time and word limits, and the practice of not delaying the briefing schedule on appeal to await the translation of a judgment.

(c) Rules Committee

48. The Rules Committee of the Tribunal has been instrumental throughout the Tribunal's existence to the process whereby the judges themselves adjust the Rules of Procedure and Evidence to improve the efficiency of the proceedings of the Tribunal, while safeguarding the rights of the accused. Some of the many changes it has introduced to speed up cases and prevent delays include: (a) the amendment of rule 11 bis to allow referral of indictments to national authorities; (b) the adoption of rule 15 ter to allow for reserve judges; (c) the amendment of rule 73 bis to allow counts in indictments to be reduced; and (d) the adoption of rules 92 bis, 92 ter, 92 quater and 92 quinquies to allow for greater use of alternatives to *viva voce* testimony. The Rules Committee is composed of Tribunal judges as voting members, with the Office of the Prosecutor, the Registrar and a representative of the Association of Defence Counsel as non-voting members.

(d) Staff resource efficiencies

49. Staff members in Chambers have always been assigned to multiple cases. Typically, staff members would be assigned to one or several cases at the pretrial stage while at the same time working on trials and appeals. Chambers management has also assigned staff members who have additional capacity to assist on a part-time basis with judicial cases potentially subject to delay.

50. Moreover, the work processes within Chambers have since very early in the Tribunal's existence included commencing the drafting of judgments at an early stage during trials, thus synthesizing and analysing evidence as it is being received. Similarly, the drafting of appeal judgments begins very early during the appeals proceedings, once briefing is complete.

51. Recently, to assist the remaining "mega" appeal, the *Prlić et al.* case,[19] management doubled the size of the Chambers legal support team to enable the Appeals Chamber to issue its judgment in conformity with the projected timeline, which, despite the greater size of the appeal, is shorter than the time taken for other multi-accused appeal judgments.

[19] This case is approximately the size of the *Prosecutor v. Nikola Šainović et al.* and *Prosecutor v. Vujadin Popović et al.* appeal proceedings combined.

(e) Translation efficiencies

52. The Conference and Language Service Section continues to actively manage the translation process for judgments and assign additional resources to translations that may have an impact on the progress of judicial proceedings.

(f) Regular medical monitoring and reporting with regard to accused persons

53. The health of the Tribunal's accused persons has on occasion affected the progress of cases. Monitoring of the accused's medical situation is crucial in ensuring that accused persons receive appropriate and adequate treatment, but also enables proper planning and the best use of Chambers resources. Such information improves forecasting of court hearing days and staffing requirements, and permits the redeployment of staff to cases with the most demanding workloads.

C. Implementation of the recommendations of the Office of Internal Oversight Services

1. Recommendation 1

54. Turning now to the implementation by the Tribunal of the specific recommendations, recommendation 1 of the report of OIOS states as follows: "**Adopt case process time standards based on the different types of case management approaches and monitor progress towards those internal benchmarks.** The Tribunal should develop a time standard benchmark on the basis of its past cases for best practices and for future ad hoc tribunals since it has demonstrated that it is able to gather sufficient information at the advanced stage of judicial activity to make a reasonably accurate forecast" (A/70/873-S/2016/441, para. 56).

55. For the reasons set out in its response (ibid., annex I, paras. 19 and 20), and following full discussion with the judges, principals and senior staff, the Tribunal has decided not to implement this recommendation.[20] The Tribunal considers that this recommendation reflects a lack of understanding of court operations and is concerned that the establishment of such a benchmark and the monitoring of judicial progress as envisaged by OIOS could have negative implications for judicial independence and the right to a fair trial. The Tribunal emphasizes that it is critical to safeguard judicial independence and the right to a fair trial at all times. Furthermore, the Tribunal reiterates that forecasts of the length of trials and appeals will continue to be unique for each case,[21] and that time standards set by the Tribunal would not be applicable to future courts.

[20] As noted in para. 19 of the response, "This recommendation is an updated version of a recommendation from a 2008 audit report (AA2008/270/01) that the OIOS undertook of the Tribunal's completion strategy. The Tribunal did not accept the recommendation, stating that "The use of performance standards such as 'average length of trial' is almost meaningless" in comparing one trial to another, due to the multiple complexities and unique factors involved in every case. As with the current exercise, the Tribunal considered that the 2008 recommendation reflected a lack of understanding of court operations."

[21] Such forecasts evolve according to numerous factors that can affect the overall estimate of the length of a trial, such as the number of accused, the complexity of a case, whether the accused is or are represented by counsel or self-represented, the health of the accused, etc.

56. As noted in its response, this is not to say that the Tribunal does not have clear and measurable objectives and indicators to measure progress in judicial activity (ibid., paras. 22-26). Indeed, the Tribunal has a well-established framework of best practices that ensure the highest standards of fairness and efficiency. As an example, the 2009 Manual on Developed Practices sets out the standard timelines for the pretrial stage and the methodology used by the Tribunal to project the estimated length of a trial.[22] In addition, the judicial operations of the Tribunal are governed by a set of detailed Rules of Procedure and Evidence, and the Tribunal engages in numerous other "case processing practices", including the close monitoring of case progress by the Trial and Appeal Scheduling Working Group and regular meetings of team leaders, as well as established processes for the drafting of judgments.[23] In this regard, the Tribunal was somewhat perplexed by the conclusion of OIOS that the Tribunal "does not appear to collect information that facilitates the examination of case processing practices or consensus on meaningful time standards to benchmark the progress of different cases, let alone against other ad hoc tribunals" (A/70/873-S/2016/441, para. 40).

57. Furthermore, the Tribunal considers that, at the very end of its lifespan, implementing such a recommendation cannot be realistically contemplated. It notes that, at the date of submission of the report of OIOS, only four cases remained and all had established end-dates which matched the mandates of the judges sitting on each case. Since July 2016, there are only two remaining cases, both of which must be concluded by 30 November 2017, at the latest. Given these circumstances, it does not make sense to develop a time standard benchmark against which to monitor the progress of these two remaining cases. Moreover, in the Tribunal's view, it is not feasible, practical or economically viable to implement such a recommendation during its final biennium. The Tribunal must focus its remaining time and resources on concluding the existing judicial caseload.

58. While outside its current resourcing capabilities, the Tribunal certainly acknowledges the potential utility of documenting best practices for future ad hoc tribunals. In this regard, in a spirit of being constructive, the Tribunal suggests that future courts and tribunals could alternatively consider the following: "Publish statistical data, as appropriate, on the length of trials and appeals with correlations on case complexity, the different types of case management approaches used, and the rates of slippage from original to final forecast. The experience of the Tribunal could be useful for future courts and tribunals to develop their own tailor-made standards based on its past cases for best practices."

[22] See pp. 71-76 of the Manual, which was prepared in conjunction with the United Nations Interregional Crime and Justice Institute, as part of a project to preserve the legacy of the Tribunal.

[23] For example, the judgment-drafting process starts with the preparation of a preliminary judgment outline. Different models have been developed at the Tribunal, although normally, outlines for trial judgments are generated on the basis of the indictment and the parties' pretrial briefs. In addition, a style guide is issued in advance to avoid the need to spend time and effort standardizing numerous things, including language, spelling, formatting, punctuation, capitalization, numbers and dates. There is also a cite-checking guide to ensure accuracy in footnote and source references.

2. Recommendation 2

59. Recommendation 2 states: **"Ensure that planning and monitoring mechanisms are tracking efficiency results.** The Tribunal should document cost-saving and efficiency gains and, as a post-mortem exercise, analyse past trial and appeal cases in order to understand how the scope, size and complexity of cases affect the timeliness of judicial activities, including relative to other judicial institutions" (ibid., para. 57).

60. For the reasons set out in its response (ibid., annex I, paras. 29-34), and following full discussion with the judges, principals and senior staff, the Tribunal has decided not to implement the recommendation. As noted in the response, the Tribunal sees the benefit in undertaking analysis of past trial and appeal cases to understand how their unique features affected judicial timelines (ibid., para. 33). However, the tracking, documentation and analysis envisaged by the recommendation would require more time and resources than the Tribunal currently has available. All the resources of the Tribunal are focused on completing its work by 2017 and this must remain the priority.

61. Furthermore, at this late stage in its history, the Tribunal sees little value for its own operations in tracking "efficiency results" in respect of the final two cases, which already have established target end-dates. In addition, and as mentioned above with respect to recommendation 1, the Tribunal is concerned about the impact that "tracking" judicial progress in the manner envisaged by OIOS might have on judicial independence and fair trial considerations in respect of ongoing cases. This is not to say that judges should not be held accountable for inefficiencies or that they consider themselves to be immune from monitoring. However, under the OIOS model, and particularly where the progress of a case may appear to deviate from an established "norm" owing to factors unique to that case, the judges could potentially face unfair criticisms of inefficiency or undue haste. Finally, the Tribunal is unsure who, in the view of OIOS, would undertake such a "post-mortem" exercise following the conclusion of the mandate of the Tribunal.

62. Nevertheless, the Tribunal acknowledges the value of studies of its efficiency results, both in terms of its legacy and in sharing information on best practices with other institutions. It would have been open to participating in such studies, assuming sufficient resources were made available to it and that the studies were undertaken prior to the closure of the Tribunal in 2017. For studies undertaken or continuing after its closure, the Tribunal considers that arrangements would need to be made with the Mechanism. Dependent on these factors, the Tribunal would have welcomed a recommendation along the following lines: "Experience gained by the Tribunal should be included in future studies that aim to generate evidence to demonstrate the impact of operational and procedural innovations adopted as part of the completion strategy. Any such study should document cost-saving and efficiency gains and as a post-mortem exercise, analyse past trial and appeal cases to understand how the different scope, size and complexity of cases affects the timeliness of judicial activities, including relative to other institutions."

3. Recommendation 3

63. Recommendation 3 states: **"Develop a code of conduct and disciplinary mechanism for the professional conduct of judges.** The Tribunal should develop a code of conduct that clarifies the role of judges and serves as a check against abuses and mistakes at the Tribunal. It should also create a disciplinary mechanism for the professional conduct of judges in order to enable staff members of the United Nations to address allegations of misconduct concerning judges" (A/70/873-S/2016/441, para. 58).

64. In its response, the Tribunal indicated that it agreed in principle with this recommendation and on the importance of a code of conduct, but considered the recommendation to be of marginal importance at this point in the Tribunal's history (ibid., annex I, para. 35-37). It further considered that the Mechanism had already adopted a code of conduct that applied to most of the judges of the Tribunal (ibid., para. 37). However, the Tribunal took serious note of the suggestions made by Member States during the President's mission to New York in June 2016, and agreed with them that adopting a code of conduct for its judges would be feasible and also set an example of best practice for future courts and tribunals.

65. Accordingly, the Tribunal is pleased to report that, at the forty-seventh plenary session, held on 6 July 2016, the judges of the Tribunal unanimously decided to adopt the Code of Professional Conduct for the Judges of the Tribunal (see enclosure VII to the present report). The code entered into force immediately and is based on the existing code for judges of the Mechanism.[24]

66. Following full discussion with the judges, principals and senior staff, however, the Tribunal has not implemented the OIOS recommendation that the Tribunal create a disciplinary mechanism for judges. The Tribunal notes that, as with the code of conduct, such a mechanism would need to be voluntarily adopted by the judges of the Tribunal, as they are not staff members of the United Nations. It further wishes to inform the Security Council that the judges of the Tribunal would have been willing to accept a disciplinary mechanism and in fact consider such a mechanism to be desirable. However, the judges and management are concerned that the time and resources required to implement this recommendation would take away critical time and resources from the existing judicial work, which simply must be concluded by November 2017.

67. Finally, the Tribunal notes that the lacuna identified by OIOS is not limited to the judges of the Tribunal. To the contrary, there are a number of other high-level and non-staff officials within the United Nations (including other judges, special rapporteurs and high commissioners, etc.) who fall outside the scope of the accountability and disciplinary scheme applicable to United Nations staff (see, e.g., ST/AI/371, ST/SGB/2005/21 and ST/SGB/2008/5). The Tribunal respectfully submits that the development of a disciplinary mechanism might therefore be appropriately referred to the General Assembly for consideration at an organizational level.

[24] Code of Professional Conduct for Judges of the Mechanism (MICT/14), 11 May 2015.

4. Recommendation 4

68. Recommendation 4 states: **"Develop a centralized information system on staff separations and improve human resources analysis for data-driven decision-making.** The Tribunal should improve its capabilities to retrieve and process data on staff separations by creating a system that also encompasses, among other things, historical statistics and information collected through exit interviews. The database could be leveraged by employing analysis to monitor turnover and identify emerging risks as the Tribunal accelerates downsizing" (A/70/837-S/2016/441, para. 59).

69. For the reasons set out in its response (ibid., annex I, paras. 38-51), and following full discussion with the judges, principals and senior staff, the Tribunal has decided not to implement the recommendation. As noted in the response, such studies could in theory yield additional insights into trends on separations. However, the recommendation does not take into account that: (a) statistical analysis would not provide better insight into staff departures than is currently available to the managers of the Tribunal; (b) the Tribunal does not have the expertise or time to conduct detailed data collection and analysis of this sort and must continue to focus on completing its judicial work; (c) the development of such a system would be time-consuming and likely not completed before the closure of the Tribunal; (d) the result would be of limited value to the Tribunal in its final months of operation; (e) under the new strategy of the United Nations Office of Information and Communications Technology (see A/69/517), all application development proposals must pass through a governance process predicated on a demonstrated return on investment and the identification of the project as a priority, and the Tribunal does not consider such a system to be a priority in its final year.

70. Nonetheless the Tribunal, recognizing the benefit of having additional insights into staff separations, would have welcomed a recommendation along the following lines, assuming that sufficient resources would be made available to it: "Approach the United Nations Office of Information and Communications Technology and the Umoja team to ascertain: (a) how Umoja could support the collection and analysis of staff departure data; and (b) whether such a system would demonstrate a clear return on investment and assist in managing accelerating downsizing. The Tribunal should improve its capabilities to capture data on staff separations by recording information collected through exit surveys."

D. Conclusion

71. As outlined above, while the Tribunal had concerns in relation to the scope and limitations of the OIOS evaluation, it cooperated fully throughout and welcomed the opportunity to discuss and review its own achievements and challenges, and to identify areas of improvement. The Tribunal considers the OIOS evaluation to have been a useful exercise in this respect and to have provided valuable food for thought. It again assures Member States that all OIOS recommendations were conscientiously and thoroughly discussed by the judges, principals, senior staff and management across all sections of the Tribunal.

72. Having said this, for the reasons already set out, the Tribunal considered the bulk of the OIOS recommendations to be impractical and/or inapplicable to the Tribunal in its final 18 months of operations. In this respect, the Tribunal regrets that the evaluation was conducted so late in its lifespan. However, the Tribunal has partially implemented recommendation 3, to the extent possible and, in an effort to be constructive and cooperative, has identified several alternative recommendations in the hope that future courts and tribunals can benefit from these suggestions. The Tribunal remains fully committed to continuously engaging with the Security Council to enhance its methods and work in order to ensure a responsible and timely completion of its mandate in December 2017.

VI. Judicial support and administration activities

A. Support for core judicial activities

73. The key priority of the Registry during the reporting period continued to be providing full support to the remaining judicial activities of the Tribunal, thereby assisting the Tribunal in achieving its completion strategy targets.

74. The current reporting period saw the provisional conclusion of the presentation of evidence in the last trial before the Tribunal. The last witness in the *Mladić* case testified partly in The Hague and partly by videoconference link, necessitating comprehensive assistance prior to, during and after testimony from the Victims and Witnesses Section. The Section also complied with two judicial orders to consult protected witnesses in ongoing cases in connection with requests related to their protective measures. The protection of witnesses in concluded cases was transferred to the Mechanism on 1 July 2013. The Registry further facilitated and serviced 11 court days in both trial and appeal proceedings. The processing and dissemination of filings continued at a substantive level, with over 496 filings, among which were 36 Registry legal submissions, amounting in total to 18,475 pages.

75. The Conference and Language Service Section provided 78 conference interpreter days and translated 6,351 pages.

76. The Office for Legal Aid and Defence Matters continued to administer the Tribunal's legal aid system for approximately 50 defence team members, safeguarding the defendants' rights to legal representation and adequate resources for their defence. The Office also administered the remuneration of amici curiae.

77. The Registry continued to operate the United Nations Detention Unit, a remand and detention centre located within a Dutch penitentiary in The Hague. During the reporting period, the Detention Unit held a total of nine Tribunal detainees (in addition to three Mechanism detainees), decreasing to seven as the Tribunal appeal proceedings concluded for two detainees. The Detention Unit runs a programme of detention and remand that is in line with or exceeds international humanitarian standards. On 21 September 2016, a delegation of the International Committee of the Red Cross completed its annual inspection of the Detention Unit.

B. Administration activities

78. The Division of Administration continued to provide high quality services in the areas of security, human resources, general services, procurement, finance, budget, and information technology as the Tribunal reaches the challenging final phases of its work.

79. The Division of Administration also continued to take the lead in coordinating responses to, and compliance with, the reports and recommendations of oversight bodies (United Nations Board of Auditors and OIOS). The Liquidation Task Force continued to meet on a regular basis and work on planning for the timely end of Tribunal operations and the appropriate handover of residual activities to the Mechanism. The Tribunal remains committed to an efficient and timely liquidation process.

C. Downsizing

80. The Tribunal remains committed to completing its remaining cases and meeting the projected date for its closure in 2017. At the beginning of 2016, a total of 379 posts remained. Since the Tribunal was able to conclude three more cases during the first half of 2016, it further reduced the number of posts by 51. The projection for January 2017 is 272 remaining posts, all of which will be abolished over the course of the year.

81. The Tribunal's Learning and Career Management Office (formerly the Career Transition Office) continued to support staff in all aspects of professional and personal development, career management, and transition during the period of downsizing and closure of the Tribunal by offering various development programmes, language courses, vocational training courses, career consultation services and career-related workshops.

D. Continued preparation of records for migration to the Mechanism

82. The Tribunal's Records and Archives Working Group continues to coordinate and oversee the implementation of an overall project plan for the disposition of Tribunal records (both physical and digital) and the transfer of relevant records to the Mechanism.

83. Tribunal offices continue to identify and appraise their records and prepare appropriate records for transfer under the direction and with the support of the Mechanism Archives and Records Section, which provides training on the preparation and transfer of records in accordance with the established standards on an ongoing basis.

84. The Tribunal has transferred the physical judicial records for its completed cases to the Mechanism, including five recently closed cases (the appeal case of *Prosecutor v. Jovica Stanišić and Franko Simatović*, the trial case of *Prosecutor v Radovan Karadžić*, the *Šešelj* case, the *Hadžić* case and the *Stanišić and Župljanin* case). In total, the Tribunal has transferred 35 per cent of its anticipated volume of physical archives to the Mechanism. As part of the ongoing review and

preparation of records for transfer to the Mechanism Archives and Records Section, in this reporting period Tribunal offices destroyed 120 linear metres of redundant and/or time-expired records.

85. Disposition plans for digital records have been finalized for all offices and 1.4 petabytes (80 per cent) of the Tribunal's digital records have been transferred to the Mechanism Archives and Records Section to date. The transferred volume is comprised largely of the Tribunal's audiovisual recordings of courtroom proceedings.

VII. Support to the Mechanism

A. Support to the judicial activities of the Mechanism

86. During the reporting period, the Registry of the Tribunal continued to double-hat in providing the Mechanism, and its Hague branch in particular, with judicial support services. As such, it provided support for the legal aid function, which included administrative and financial support for both branches, for a total of approximately 70 members of the defence team. The Registry also assisted with language services, detention services, witness support services and the maintenance of judicial records. This included assisting the Mechanism in finalizing its regulatory framework to reflect lessons learned and best practices from both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

B. Administrative support provided to the Mechanism

87. The Tribunal continues to ensure that both branches of the Mechanism are provided with effective administrative services as a transition measure prior to the full administrative autonomy of the Mechanism.

88. In addition to the support provided by the Tribunal to the Mechanism in the areas of security, human resources, general services, procurement, finance, budget and information technology, the Tribunal continues to make significant contributions to the procurement of goods and services for the new Mechanism facility in Arusha, which will have opened by the time of the publication of the present report.

C. Premises

89. The Tribunal continues to occupy the same premises, which, in order to maximize cost savings and efficiency, are being shared with The Hague branch of the Mechanism until the closure of the Tribunal at the end of 2017.

VIII. Communications and outreach

90. The Outreach Programme continued the fourth cycle of its Youth Outreach Project by organizing 15 lectures and presentations for high school and university students in the countries of the former Yugoslavia. The Outreach Programme also organized the screening of its latest documentary in The Hague, as well as the launch of its anniversary publication, "15 years of Outreach at the ICTY". During the reporting period, more than 2,700 students and professionals visited the Tribunal as part of the Visits Programme. In addition, a record 870 members of the public came to the Tribunal on 25 September 2016 during its most successful Open Day ever. The main donor of the Outreach Programme — the European Union — confirmed its pledge to continue providing financial support until the end of the Tribunal's mandate.

91. The Tribunal has continuously strengthened its presence on digital communications platforms, such as the Tribunal website (800,000 page views); YouTube (with videos of trial hearings viewed more than 200,000 times); Facebook (more than 1,000 followers); Twitter (more than 8,000 followers); and LinkedIn (around 7,000 professionals).

IX. Legacy and capacity-building

92. In preparation for its closure at the end of 2017, the Tribunal has initiated a series of public events entitled: "ICTY legacy dialogues". A committee, including representatives of the Office of the President, the Office of the Prosecutor, the Registry and the Association of Defence Counsel, has met regularly to plan and organize these events, which will be crucial in consolidating the image and legacy of the Tribunal before it closes. Three events in the series have already been held: (a) the launch of the research report of the Victim and Witness Section, entitled "Echoes of testimonies: a pilot study into the long-term impact of bearing witness before the ICTY", supported by the University of North Texas and financed in part by voluntary contributions and which was finalized during the reporting period; (b) the English language premiere of the new documentary produced by the Outreach Programme, *Crimes before the ICTY: Višegrad*; and (c) the launch of the Outreach Programme's publication,"15 years of Outreach at the ICTY". The "ICTY legacy dialogues" series of activities will continue throughout 2016 and 2017 and the Tribunal will be counting on the support and cooperation of Member States in these endeavours.

93. The negotiations on the signing of memorandums of understanding to facilitate the establishment of the first two International Tribunal for the Former Yugoslavia information centres in Bosnia and Herzegovina have now been completed. The information centres aim to provide members of the public with access to the Tribunal's public records and archives in accordance with paragraph 15 of resolution 1966 (2010). In September 2016, the Sarajevo City Assembly endorsed the proposed text of the memorandum of understanding on the establishment of the information centre in Sarajevo. The same was done by the Executive Board of the Srebrenica-Potočari Memorial Centre in October 2016 for the establishment of the

information centre in Srebrenica/Potočari. The latter is now pending confirmation by the Presidency of Bosnia and Herzegovina.

X. Conclusion

94. With just over one year until its closure, the Tribunal has now completed almost all of its cases. Only one trial, one appeal and one contempt case remain. While the number of cases is small, the volume of work remaining is enormous and, as reported above, the Tribunal continues to downsize and to face significant challenges in the form of staff attrition. Nevertheless, the Tribunal remains committed to closing in December 2017 and to concluding all judicial work on time. Its judges and staff are working extremely hard to ensure that this is the case, and the Tribunal expresses its heartfelt thanks for their efforts and outstanding contribution.

95. The Tribunal also wishes to express its deep appreciation to the Security Council, its Informal Working Group on International Tribunals, the Office of Legal Affairs and the wider United Nations membership for their continued — and vital — support and assistance. It emphasizes that the Tribunal will rely upon such support and assistance more than ever before, as it approaches the final completion of its mandate. Indeed, the successful closure and enduring legacy of the Tribunal will be the United Nations' success, and will only be possible with the continued cooperation of Member States in the coming year. The Tribunal looks forward to working with all Member States in the realization of that success.

Annex II

Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council under paragraph 6 of Security Council resolution 1534 (2004)

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I. Overview

1. The Prosecutor submits the twenty-sixth completion strategy report pursuant to Security Council resolution 1534 (2004), covering developments between 16 May and 15 November 2016.

2. In the reporting period, trial proceedings in the *Mladić* case neared completion, with the submission of the parties' written final briefs, while oral closing arguments are anticipated to be presented soon after the end of the reporting period. The *Hadžić* case was terminated on 22 July 2016, following the death of the accused. An appeal judgment was rendered in the *Stanišić and Župljanin* case, affirming the convictions of both accused and their sentences of 22 years of imprisonment each. Appeals proceedings in the *Prlić et al.* case continued, and it is expected that oral arguments will be heard in the first quarter of 2017.

3. Cooperation between the Office of the Prosecutor and the authorities in Bosnia and Herzegovina, Serbia and Croatia continued during the reporting period. However, with the continued non-arrest and transfer of three indictees to the Tribunal's custody, Serbia remains in violation of its legal obligations to cooperate with the Tribunal. This non-cooperation has now been compounded by Serbia's failure to adhere to judicial orders and provide regular biweekly reports on its efforts to execute the arrest warrants. The Office of the Prosecutor urges the Serbian authorities to rectify their non-cooperation, resume providing reports to the Tribunal and execute the Tribunal's arrest warrants as soon as possible.

4. The Office of the Prosecutor of the Tribunal, in conjunction with the Office of the Prosecutor of the Mechanism, continued to implement the "one office" policy to further streamline operations and reduce costs by effectively integrating staff and resources across the Offices. Since 1 March 2016, staff and resources have been flexibly deployed across both institutions in "double-hatting" arrangements as and when needed based on operational requirements, in accordance with the directions of the Security Council set forth in its resolution 1966 (2010). The Office of the Prosecutor of the Tribunal further continued its downsizing, in line with the completion of trials and appeals as foreseen in its approved budget. While severe staff attrition remains a pressing challenge, the "one office" approach is providing an important avenue for ameliorating some aspects of it. Finally, consistent with resolution 1966 (2010) and article 6 of the Transitional Arrangements, during the reporting period the Office of the Prosecutor of the Tribunal continued the coordinated transition of so-called "other functions" to the Office of the Prosecutor of the Mechanism.

II. The completion of trials and appeals

A. Overview of ongoing challenges

5. The Office of the Prosecutor is rapidly approaching the completion of its primary case-related obligations. During the reporting period, the appeal judgment in *Stanišić and Župljanin* was delivered, while trial proceedings in the *Hadžić* case were terminated following the death of the accused. Only one trial (*Mladić*) and one appeal (*Prlić et al.*) remain ongoing. With final submissions by the parties in these

last two cases expected in the coming months, the primary case-related challenge in the final year of the Tribunal's mandate will be the expeditious rendering of judgments in these two final cases.

B. Update on the progress of trials

1. *Mladić*

6. Trial proceedings in the *Mladić* case neared completion during the reporting period. On 16 August 2016, the Trial Chamber established that the defence case was closed. On 25 October 2016, the parties submitted their written final trial briefs. Oral closing arguments by the parties have been scheduled to commence on 5 December and be completed on 15 December 2016. The trial judgment is still expected to be issued in November 2017.

7. In addition to preparing its final submissions, the Office of the Prosecutor has been required during the reporting period to respond to a large number of evidentiary and procedural motions filed by the defence. Despite this intense litigation during the final trial brief preparation phase, the Office prepared and filed all necessary submissions by the applicable deadlines. The Office will continue to undertake all efforts to support the expeditious completion of this case.

2. *Hadžić*

8. As previously reported, the Trial Chamber adjourned trial proceedings in the *Hadžić* case on 20 October 2014 owing to the ill health of the defendant, approximately midway through the presentation of the defence case. Throughout the past four reporting periods, the Office of the Prosecutor continued to pursue all reasonable options for resuming and completing the trial, advocating the expeditious completion of the trial in a manner consistent with the accused's right to a fair trial.

9. On 12 July 2016, the accused passed away while on provisional release in Novi Sad, Serbia. On 22 July, the Trial Chamber issued its decision terminating the proceedings in this case.

10. The Office of the Prosecutor understands that victims and the public will be dissatisfied that this case has not been completed with a verdict on the charges against the accused. As Hadžić was a fugitive from justice for seven years, this unfortunate outcome underscores the importance of ensuring that all indictees are brought to justice as quickly as possible.

C. Update on the progress of appeals

11. On 30 June 2015, the Appeals Chamber in the *Stanišić and Župljanin* case dismissed the convicted persons' appeals in their entirety and affirmed the sentences of 22 years of imprisonment imposed by the Trial Chamber. The Appeals Chamber further granted the Office of the Prosecutor's appeal in part and found that the Trial Chamber had erred in failing to enter convictions under certain counts of the indictment, although it declined to correct that error on appeal.

12. The Appeals Division of the Office of the Prosecutor continues to focus on expeditiously and effectively completing the final appeal proceeding before the Tribunal in the *Prlić et al.* case. It is anticipated that oral appeal arguments in that case will be held sometime in spring 2017. The "one office" policy has enabled significant resource gains on this case as a number of Mechanism Office of the Prosecutor staff have been assigned to the case. The Appeals Division continued to assist trial teams with briefing major legal issues, drafting final trial briefs and preparing closing submissions, including in particular with respect to the *Mladić* case. Finally, during the reporting period the Appeals Division, along with other staff members, supported the Office of the Prosecutor of the Mechanism in preparing for appeals proceedings in the *Karadžić* and *Šešelj* cases, consistent with the "one office" approach and to ensure that the Office of the Prosecutor of the Mechanism benefited from the case-specific knowledge and expertise of the Appeals Division.

III. State cooperation with the Office of the Prosecutor

13. The Office of the Prosecutor continues to rely on the full cooperation of States to successfully complete its mandate, as set out in article 29 of the Statute of the Tribunal. The Prosecutor met with officials in Belgrade on 27 and 28 October, and in Sarajevo on 14 and 15 November 2016. Throughout the reporting period, the Office maintained a direct dialogue with governmental and judicial authorities from Serbia, Croatia and Bosnia and Herzegovina. The field offices in Sarajevo and Belgrade continued to facilitate the work of the Office in Bosnia and Herzegovina and Serbia, respectively.

A. Cooperation between the States of the former Yugoslavia and the Office of the Prosecutor

14. The Office of the Prosecutor continued to have appropriate access to documents, archives and witnesses in Bosnia and Herzegovina, Croatia and Serbia during the reporting period.

15. The Office is very concerned that Serbia remains in a state of non-cooperation with the Tribunal owing to its continued failure to execute the Tribunal's arrest warrants for three Serbian indictees. Unfortunately, Serbia has further failed, in violation of judicial orders, to provide updates to the Tribunal on its efforts to execute the arrest warrants. The Office of the Prosecutor calls upon the Serbian authorities to promptly resume providing reports to the Tribunal, and to undertake all necessary efforts to arrest the three indictees and surrender them to the Tribunal's custody.

B. Cooperation between other States and organizations and the Office of the Prosecutor

16. Cooperation and support from States outside the former Yugoslavia, as well as from international organizations, remains integral to the successful completion of

cases at the Tribunal. Assistance continues to be needed to access documents, information and witnesses, as well as in matters related to witness protection, including witness relocation. The Office of the Prosecutor again acknowledges the support it received during the reporting period from States Members of the United Nations and international organizations, including the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe and the Council of Europe.

17. The international community continues to play an important role in providing incentives for States in the former Yugoslavia to cooperate with the Tribunal. The European Union policy of conditionality, linking membership progress to full cooperation with the Tribunal and the Mechanism, remains a key tool for ensuring continued cooperation and consolidating the rule of law in the former Yugoslavia.

IV. Transition from the Tribunal to national war crimes prosecutions

18. Consistent with Security Council resolution 1966 (2010) and article 6 of the Transitional Arrangements, the Office of the Prosecutor of the Tribunal during the reporting period continued the transition to the Mechanism Office of the Prosecutor of responsibilities and activities related to assisting national jurisdictions to prosecute war crimes. Information on these activities is accordingly presented in the report of the Office of the Prosecutor of the Mechanism.

19. For the past eight years, the joint European Union/International Tribunal for the Former Yugoslavia Training Project for National Prosecutors and Young Professionals from the former Yugoslavia has been a central component of the strategy of the Office of the Prosecutor of the Tribunal to strengthen the capacity of national criminal justice systems in the former Yugoslavia for war crimes cases. The young professionals component of the Project terminated at the end of 2015, while its visiting professionals component will terminate at the end of 2016.

20. The Office of the Prosecutor of the Tribunal is pleased to report that following the unanimous request from national prosecution services in the region, the European Union has now agreed to extend both components of the Project for another two-year period. The Project will also be transitioned from the Tribunal to the Office of the Prosecutor of the Mechanism. The Office of the Prosecutor is grateful to the European Union for its consistent support to this important project, and for recognizing the ongoing need to build national justice sector capacity by educating and training young lawyers from the region in our offices.

V. Downsizing

A. Downsizing of posts in the Office of the Prosecutor and provision of career transition support to staff of the Office

21. At the beginning of 2016, the Office of the Prosecutor had a total of 81 staff members. During the reporting period, following the completion of the *Stanišić and*

Župljanin and *Hadžić* cases, the Office downsized seven Professional and five General Service posts. In accordance with the approved budget, the Office will further downsize an additional five Professional posts and seven General Service posts on 1 January 2017, for a total of 14 Professional and 12 General Service posts downsized in 2016. Delays in the completion of proceedings during the reporting period have not affected the downsizing of the Office, as it has been able to absorb the additional requirements within existing resources and continue its downsizing on schedule.

22. The Office is actively supporting measures to assist staff in making the transition from their work at the Tribunal to the next step in their careers. The Office continues to initiate and support training for its staff members and assist staff to take advantage of the services offered by the Career Transition Office. In relation to this development, the Office is facilitating networking and other opportunities to assist its staff members, including opportunities for its staff members to become qualified for various United Nations standby rosters.

B. Supporting and sharing resources with the Mechanism

23. The resource-sharing by the Office of the Prosecutor of the Tribunal with the Office of the Prosecutor of the Mechanism continued during the reporting period under the "one office" approach to integrate the staff and resources of the two Offices. All Prosecution staff are available to "double-hat" so that they can be flexibly assigned to either Tribunal or Mechanism-related work depending on operational requirements and their case-related knowledge. Resources of both Offices are also being flexibly deployed where needed.

24. For the Office of the Prosecutor of the Tribunal, which is continuing its downsizing, the primary impact of the "one office" approach will be to ensure that the staff and resources of the Mechanism can be made available at no additional cost to address unforeseen developments in Tribunal cases and to ameliorate some of the pressing problems caused by staff attrition in the Tribunal's final phase. These are important measures to help ensure the successful implementation of the completion strategy.

VI. Conclusion

25. The reporting period saw important progress towards the completion of the Tribunal's mandate, with the conclusion of one appeal and substantial steps towards the completion of the final trial. The Office of the Prosecutor remains firmly focused on expeditiously completing the remaining trial and appeal, while simultaneously reducing its resources and downsizing its staff. The Office of the Prosecutor will continue to allocate resources flexibly and to effectively manage staff attrition and downsizing.

26. By failing to execute arrest warrants and transfer three indictees to the Tribunal's custody, Serbia is not in compliance with its international obligations to cooperate with the Tribunal. This non-cooperation has now been compounded by Serbia's failure to adhere to judicial orders and provide regular biweekly reports on

its efforts to execute the arrest warrants. The Office of the Prosecutor hopes that this situation is urgently resolved so Serbia can return to the status of full cooperation.

27. In all of these endeavours, the Office of the Prosecutor relies upon and gratefully acknowledges the support of the international community and especially of the United Nations Security Council.

Enclosure I

A. Trial judgments 18 May to 17 November 2016 (by individual)

Name	*Former title*	*Initial appearance*	*Trial judgment*
None[a]			

[a] Following the death of Goran Hadžić on 12 July 2016, the Trial Chamber terminated the proceedings in the *Hadžić* case on 22 July 2016. No trial judgment was issued.

B. Appeal judgments 18 May to 17 November 2016 (by individual)

Name	*Former title*	*Appeal judgment*
Mićo Stanišić	Minister of the Ministry of Interior of the Republika Srpska	30 June 2016
Stojan Župljanin	Chief of the Regional Security Services Centre of Banja Luka	30 June 2016

Enclosure II

A. Persons on trial as at 17 November 2016 (by individual)

Name	*Former title*	*Initial appearance*	*Start of trial*
Ratko Mladić	Commander of the Bosnian Serb Army Main Staff	3 June 2011	Trial commenced on 16 May 2012

B. Persons on appeal as at 17 November 2016 (by individual)

Name	*Former title*	*Date of trial judgment*
Jadranko Prlić	President, Croatian Republic of Herceg-Bosna	29 May 2013
Bruno Stojić	Head of Department of Defence, Croatian Republic of Herceg-Bosna	29 May 2013
Slobodan Praljak	Assistant Minister of Defence of Croatia and Commander of the Croatian Defence Council Main Staff	29 May 2013
Milivoj Petković	Deputy Overall Commander, Croatian Defence Council	29 May 2013
Valentin Ćorić	Chief of Military Police Administration, Croatian Defence Council	29 May 2013
Berislav Pušić	Control Officer, Department of Criminal Investigations, Military Police Administration, Croatian Defence Council	29 May 2013

C. Trial judgments for contempt 18 May to 17 November 2016 (by individual)

Name	*Former title*	*Date of order in lieu of indictment*	*Trial judgment*
None			

D. Appeal judgments for contempt 18 May to 17 November 2016 (by individual)

Name	*Former title*	*Date of trial contempt judgment*	*Appeal judgment*
None			

Enclosure III

Proceedings completed in the period from 18 May to 17 November 2016

A. Trial judgments rendered in the period from 18 May to 17 November 2016

None

B. Contempt judgments rendered in the period from 18 May to 17 November 2016

None

C. Appeals from trial judgments rendered in the period from 18 May to 17 November 2016

Stanišić and Župljanin IT-08-91-A (30 June 2016)

D. Appeals from contempt rendered in the period from 18 May to 17 November 2016

None

E. Final interlocutory decisions rendered on appeal in the period from 18 May to 17 November 2016

None

F. Review, referral and other appeal decisions rendered in the period from 18 May to 17 November 2016

None

Enclosure IV

Proceedings ongoing as at 17 November 2016

A. Trial judgments pending as at 17 November 2016

Mladić IT-09-92-T

B. Contempt judgments pending as at 17 November 2016

Jojić et al. IT-03-67-R77.5

C. Appeals from judgment pending as at 17 November 2016

Prlić et al. IT-04-74-A

D. Appeals from contempt pending as at 17 November 2016

None

E. Interlocutory decisions pending as at 17 November 2016

1. *Mladić* IT-09-92-AR73.6
2. *Mladić* IT-09-92-AR73.7

F. Review, referral and other appeal decisions pending as at 17 November 2016

None

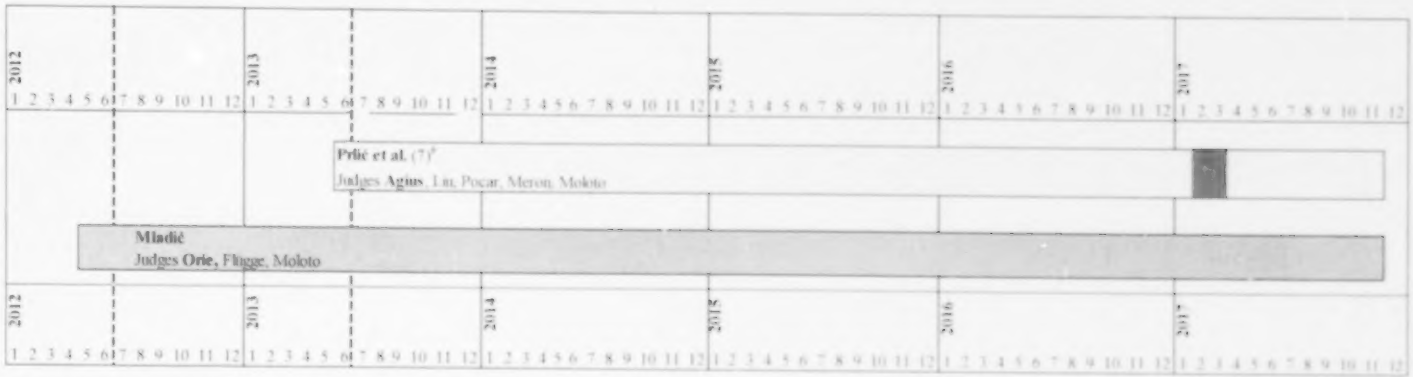
Enclosure V

Decisions and orders rendered during the period from 18 May to 17 November 2016

1. Total number of decisions and orders rendered by the Trial Chambers: 80
2. Total number of decisions and orders rendered by the Appeals Chamber: 13
3. Total number of decisions and orders rendered by the President of the Tribunal: 20

Enclosure VI

Status of the trial and appeal schedule of the Tribunal on 17 November 2016[a]



[a] Contempt matters are not included.

[b] Number of accused appellants, including the prosecution.

[c] The appeal hearing will take place during February and/or March 2017. The dates are yet to be finalized.

Appeal Proceedings
Trial Proceedings
Appeal Hearing

Enclosure VII

Code of professional conduct for the judges of the Tribunal, adopted on 6 July 2016

Preamble

The judges of the International Criminal Tribunal for the former Yugoslavia ("Tribunal"):

Recalling that judges shall be persons of high moral character, impartiality, and integrity as required by Article 13 of the Statue of the Tribunal ("Statute");

Noting the solemn declaration required by Rule 14 of the Rules of Procedure and Evidence of the Tribunal ("Rules");

Recognizing that the independence and impartiality of judges is fundamental to ensuring public confidence in a fair and transparent international judicial process;

Recognizing that judges are members of a collegial body, with each judge pursuing the same objective of ensuring the achievement of international criminal justice;

Having regard to the United Nations Basic Principles on the Independence of the Judiciary (1985) and other international and national rules and standards relating to judicial conduct and the right to a fair trial;

Considering that the principles set forth in this Code shall contribute to judicial independence, impartiality and transparency of the judicial process and shall enhance the public confidence in the Tribunal;

Have agreed as follows:

Article 1. Adoption of the Code

This Code has been adopted by the judges pursuant to Rule 24 of the Rules and shall be read subject to the Statute and the Rules.

Article 2. Independence

1. In the exercise of their judicial functions, judges shall be independent of all external authority or influence.

2. Judges shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in their independence.

Article 3. Impartiality

1. Judges shall be impartial and ensure the appearance of impartiality in the discharge of their judicial functions.

2. Judges shall avoid any conflict of interest as well as situations which might reasonably be perceived as giving rise to a conflict of interest.

Article 4. Integrity

1. Judges shall conduct themselves with probity and integrity in accordance with their judicial office, thereby enhancing public confidence in the judiciary.

2. Judges shall not directly or indirectly accept, offer, or provide any gift, advantage, privilege or reward that can reasonably be perceived as being intended to influence the performance of their judicial functions or the independence of their office.

3. Judges shall treat other judges and staff members with dignity and respect, and shall not engage in any form of discrimination, harassment, including sexual harassment, and abuse of authority.

Article 5. Confidentiality

Judges shall respect the confidentiality of consultations which relate to their judicial functions, the secrecy of deliberations, and the confidentiality of information acquired in the course of their duties, other than in public proceedings.

Article 6. Diligence

1. Judges shall give precedence to their judicial duties over all other activities.

2. Judges shall take reasonable steps to maintain and enhance their knowledge, skills and personal qualities necessary for judicial office.

3. Judges shall perform their judicial duties efficiently. These duties extend to the delivery of decisions fairly and with reasonable promptness.